IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

P.I. L. NO. 92 OF 2007

Prof. Padmakar G. Kharat. .. Petitioner.

vs.

The State of Maharashtra

& Ors. .. Respondents.

Petitioner in person.

Mr. R.S. Apte for respondent no.3.

Mr. V.P. Malvankar, AGP., for R. Nos. 1, 2 and 7 to 9.

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CORAM: J.N. PATEL &

A.A. SAYED, JJ.

DATE: 6TH SEPTEMBER, 2007.

P.C.

. Heard.

2. The Petitioner has challenged the allotment of shops by the 3rd respondent Municipal Council, Shirur on the ground that it has not followed the reservation policy while allotting the shops and, therefore, the allotment of shops under tender notice dated 25.5.2007 deserves to be quashed and set aside and the Court

should direct the respondent municipal council to reserve shops for Schedule Caste, Scheduled Tribes, Weaker Sections, Mahila Associations, Book Stall holders, Mentally retarded and handicapped persons, devadasis, ex-militarymen,etc.,

3. In the affidavit in reply the municipal council has specifically stated that out of the total 32 shops allotted by the respondent no. 3 municipal council, 12 shops are allotted to persons including women, other backward classes, nomadic tribes, etc. In so far as the contention of the petitioner for reservation for book stalls is concerned, it is submitted that the same will be observed while doing allotment of the shops in Library building of the respondent no. 3 and the respondent no. 3 has taken all the necessary care for considering allotment of shops to all categories and all the categories had an adequate opportunity to compete in the allotment under the tender notice. In so far as the provisions for reserved category people are concerned, it is submitted that the respondent no. 3 has implemented various welfare schemes by appointment of Special Committee and, therefore, the grievance made by the petitioner does not survive.

4. The petitioner submits that he has not participated in the tender notice but has moved this Court in public interest. We find that the allotment of shops by inviting applications under the tender

notice cannot be said to be contrary to rules and, therefore, we do not find any merit in the petition. The petitioner, who appears in person, has referred to the decision rendered by the Supreme Court in the case of Ramana Dayaram Shetty vs. The International Airport Authority of India and others, reported in AIR 1979 SC 1628. There is no quarrel over the principles laid down by the Supreme Court in the matter of allotment of shops. On the other hand, the decision clearly spells out the limited jurisdiction this Court has to exercise its power of judicial review in such matters. Therefore, the petition is dismissed. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)